

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

UNITED STATES OF AMERICA :

A F F I R M A T I O N

-v.-

07 Cr. 1034 (JFK)

FRANCIS ALBERTO HILARIO, :

a/k/a "Hilario Francis," :

a/k/a "Francis Colon," :

a/k/a "Jose M. Colon," :

Defendant.

- - - - -x

SOUTHERN DISTRICT OF NEW YORK, ss:

KENNETH ALLEN POLITE, JR., being duly sworn, deposes and says that he is an Assistant United States Attorney in the Office of Michael J. Garcia, United States Attorney for the Southern District of New York; that he is in charge of the above-entitled matter; that one FRANCIS ALBERTO HILARIO, a/k/a "Hilario Francis," a/k/a "Francis Colon," a/k/a "Jose M. Colon" (NYSID# NY8815353Y), the defendant, now incarcerated at the MTF3, Anna M. Kross Center (AMKC), 18-18 Hazen Street, East Elmhurst, New York 11370, has been charged in an Indictment with violating Title 8, United States Code, Sections 1326(a) and (b)(2).

By this application, the Government seeks a writ of habeas corpus ad prosequendum, so that FRANCIS ALBERTO HILARIO, a/k/a "Hilario Francis," a/k/a "Francis Colon," a/k/a "Jose M. Colon," the defendant, can be brought before this Court to be available for prosecution in the Indictment captioned United States v. FRANCIS ALBERTO HILARIO, a/k/a "Hilario Francis," a/k/a

"Francis Colon," a/k/a "Jose M. Colon," 07 Cr. 1034 (JFK). No previous application for similar relief has been made.

WHEREFORE, your deponent respectfully prays that a writ of habeas corpus ad prosequendum issue, directing the Warden of MTF3, the United States Marshal for the Southern District of New York, or any other authorized law enforcement officers to produce the above-named defendant to the custody of the Warden of the Metropolitan Correctional Center or the person in charge there, to be available for prosecution, as soon as the defendant is available and no later than on or about November 30, 2007, and to appear as necessary thereafter in that case until FRANCIS ALBERTO HILARIO, a/k/a "Hilario Francis," a/k/a "Francis Colon," a/k/a "Jose M. Colon," the defendant, shall have been discharged or convicted and sentenced.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT, PURSUANT TO TITLE 28, UNITED STATES CODE, SECTION 1746.



KENNETH ALLEN POLITE, JR.
Assistant United States Attorney
(212) 637-2412

Dated: November 16, 2007
New York, New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

FRANCIS ALBERTO HILARIO,
a/k/a "Hilario Francis,"
a/k/a "Francis Colon,"
a/k/a "Jose M. Colon,"

Defendant.

AFFIRMATION

07 Cr. 1034 (JFK)

(8 U.S.C. §§ 1326(a) and (b)(2))

Michael J. Garcia
United States Attorney.
